

# THE NEWS OF NORFOLK ON PAGES 2, 3, 5 AND 6.

## COURT DECISIONS.

Notes of Cases Recently Decided,  
Which are of Interest to  
Our People.

DIGESTED BY W. B. MARTIN.  
(Exclusively for Virginian-Pilot.)

### MOORE V. BRACY.

Supreme Court of North Carolina,  
October 10, 1899.

TO ENFORCE A PAROL CHATTEL  
MORTGAGE, IT MUST BE SUCH  
AS COULD BE ENFORCED IF IN  
WRITING.

AN ACTION FOR THE POSSESSION  
OF PERSONAL PROPERTY WILL  
NOT LIE AGAINST A PERSON  
WHO HAS IT NOT IN HIS POS-  
SESSION OR CONTROL.

WHERE A PARTY SAID HE WOULD  
GIVE A MORTGAGE ON A BALE  
OF COTTON IN HIS TENANT'S  
HANDS, WHO HAD SEVERAL IN  
HIS POSSESSION, NO COTTON IS  
CONVEYED NOR PAROL MORT-  
GAGE VALIDATED.

This was an action for the recovery  
of a bale of cotton.

The court says:

The defendant seems to have been  
indebted to the plaintiffs, which they  
agreed to be \$25, and, to secure the same  
stated that one Henry Bracy, a tenant  
of defendant, would be due him a bale  
of cotton as rent, and agreed verbally to  
mortgage the same to plaintiff to secure  
the payment of the \$25. This was in  
February, and the action was brought  
in October. So it would seem that the  
cotton that plaintiff contends was mort-  
gaged to him was to be planted and  
raised after the date of the transaction  
which plaintiff claims to have been a  
verbal mortgage. The terms of this  
agreement, according to the plaintiff's  
testimony, were as follows: "That  
defendant told plaintiff that at the end  
of the year a tenant of his (one Bracy)  
would owe him a bale of cotton for  
rent; that it would be worth \$25; that  
he (defendant) would give plaintiff a  
mortgage on the bale of cotton; . . .  
that plaintiff accepted this offer, and  
looked for a blank mortgage to reduce  
it to writing, but, finding none, he  
called J. H. Carter to witness the agree-  
ment." The defendant denied that he  
mortgaged plaintiff any cotton; denied  
that he was in possession of any cotton  
belonging to plaintiff, by mortgage or  
otherwise, when this action was com-  
menced, or afterwards; and con-  
tended that, admitting the conversation  
as stated by plaintiff, it conveyed no  
cotton to plaintiff, and that his action  
must fail. The justice granted the  
writ of possession, and it was in  
evidence by the officer who had this  
writ or order in his hand that he went  
to Henry Bracy, the party named as  
tenant, and got a bale of cotton under  
said order; that Bracy had other cot-  
ton, but he did not know whether it  
was ginned or not. Upon this evidence,  
under the instructions of the court, the  
jury found a verdict for the plaintiff,  
upon which he had judgment. Defen-  
dant excepted, and assigned as grounds  
for his exceptions the matters set out  
above.

A parol mortgage may be enforced in  
this state, but it must be such a  
mortgage as could be enforced if it had  
been in writing. And it seems to us  
that there is error, and that the plaintiff  
cannot sustain his action upon this  
evidence, for two reasons, even if the  
transaction between plaintiff and defen-  
dant is sufficient to constitute a  
mortgage.

An action for the possession of prop-  
erty must be brought against the  
party in possession. We note the fact  
that it is said in the last case cited  
that the property must be in the defen-  
dant's actual possession or under his  
control. This must mean that it is in  
the possession of defendant's agent,  
attorney, or factor, who would be  
entitled to the control of the property.  
In this case the language of the plain-  
tiff is that the defendant said that  
Bracy would owe him a bale of cotton.  
It is not claimed that the cotton sized  
by the officer was in the actual posses-  
sion of the defendant.

But the further reason is that no  
particular bale of cotton was named  
or described, "will owe me a bale of  
cotton," and it appears from plain-  
tiff's evidence that Bracy had other cot-  
ton. This being so, the mortgage con-  
veyed no cotton, and plaintiff's action  
must fail on that account. New trial.

CITIZENS' ST. R. CO. V. HOWARD.  
Supreme Court of Tennessee.  
May 18, 1899.

BETWEEN STREET CROSSINGS, A  
STREET RAILROAD COMPANY'S  
RIGHT OF WAY IS SUPERIOR TO,  
BUT NOT EXCLUSIVE OF, THE  
RIGHT OF A PEDESTRIAN.

The point decided appears from the  
opinion of the court.

The court says:  
The well-established rule is that  
street railroads have the superior,  
though not the exclusive, right of way  
between street crossings.

In his late work on Street Railways,  
at section 304, Booth says: "As already  
stated, as a general rule, especially  
between street crossings, cars have a  
right of way superior to that of other  
vehicles and pedestrians. This prefer-  
ential right must be exercised in a  
reasonable and prudent manner. But  
this rule does not apply to crossings,  
of tracks at street intersections. Neither  
has a superior right to the  
other. The right of each must be ex-  
ercised with due regard to the right of  
the other. In section 303, Booth on  
Street Railroads states the law as fol-  
lows: "A reconsideration of the  
grounds of the earlier decisions, aided  
by time and experience, has resulted  
in establishing a rule now well-nigh  
universal—that a street car has, and  
from the necessities of the case must  
have, the right of way upon that part

of the street upon which alone it can  
travel, paramount to that of ordinary  
vehicles, but that this superior right  
does not prevent others from driving  
along its tracks at any place or time,  
when by doing so they will not inter-  
fere with the progress of the cars. In  
this case the better right is not an ex-  
clusive right, but, being paramount to  
the extent stated, it will be enforced  
against all who needlessly oppose ob-  
stacles to its exercise. Other travelers,  
therefore, must yield the right of way.  
Therefore the driver of a private ve-  
hicle may cross the tracks—and this  
right is not confined to occasions when  
others portions of the street are  
crowded or obstructed—and may drive  
along and upon the tracks if he uses  
due diligence not to interfere with the  
passage of the cars."

For the reasons indicated, the judg-  
ment is reversed and the cause re-  
manded.

## BRAMBLETON WARD.

At the morning service at McKendree  
M. E. Church the pastor, Rev. R. H.  
Bennett, will give the record of the  
church under his ministrations for the  
past four years. At night he will preach  
his last sermon as pastor of the church.  
Both services will doubtless be very in-  
teresting. Mr. Bennett has served the  
church faithfully and efficiently. His  
closing year's work has been the most  
remarkable in its history. He leaves it  
entirely clear of debt and the mem-  
bership in a highly spiritual condition. His  
life has been one of entire consecra-  
tion to the Master's service, and he will  
go to conference with profound grati-  
tude to God for the wonderful success  
that has crowned his efforts in every  
department of his work.

The work of widening and strength-  
ening the Holt street bridge was com-  
menced Thursday. A large number of  
new piles have been driven on the  
south side of the structure, and as soon  
as these have been put down others  
will be driven on the north side. These  
improvements will include an entire  
new flooring, and it is also understood  
that the bridge will be redecked. A new  
blank walk for foot passengers will be  
laid, which, it is understood, will be  
protected by a railing, so as to prevent  
vehicles from getting on it when pass-  
ing over the bridge.

Large congregations attend nightly  
the preaching of Rev. P. G. Elsom, at  
the Park Avenue Baptist Church, and  
several persons have professed faith in  
Christ. Mrs. Elsom sang very sweetly  
at the service last night. Services will  
be held all through to-day and Sun-  
day promises to be a great day for the  
church.

The Epworth League of Trinity M. E.  
Church will meet for devotional ser-  
vices at 6:30 p. m. Sunday. As this is  
the last meeting that the pastor, Rev.  
Lloyd T. Williams, will be able to at-  
tend before he leaves for Conference,  
he desires every member to be pres-  
ent.

Trolley car No. 52 on the East Main  
street and Brambleton line jumped the  
track at the corner of Clay and Bram-  
bleton avenues, about 9:30 o'clock last  
night, which delayed traffic over that  
route for some time.

### NEW Y ORGANIZED.

The charter members of the Anna  
Gordon Y met at the residence of  
Miss Evie A. Johnakin, No. 323 Tuns-  
all avenue, at 8 o'clock last night. The  
meeting was called to order by Mrs.  
John Crider, district secretary of the  
Y's, and religious exercises were con-  
ducted by Mr. E. J. Dryer.

After the transaction of some pre-  
liminary matters the young society  
was instituted and the following offi-  
cers elected and installed:

President—Miss Maude Moseley.  
Vice President—Miss Cora Lee John-  
akin.  
Treasurer—Miss Evie A. Johnakin.  
Recording Secretary—Miss Lillian  
Trower.

The election of officers being over a  
general discussion of the proposed  
work of the Y followed and it was de-  
cided to appoint the usual working  
committees at a future meeting. The  
organization starts with sixteen young  
and active charter members. They pro-  
pose to accomplish much good for the  
temperance cause in Brambleton.

The next meeting will be held with  
Miss Evie A. Johnakin, Friday night,  
November 18th, when a corresponding  
secretary will be elected.

## HUNTERSVILLE.

FOURTH QUARTERLY CONFER-  
ENCE.

The fourth quarterly conference of  
Huntersville M. E. Church was held  
Thursday night by Rev. W. H. Ed-  
wards, the presiding elder. The re-  
ports showed a most encouraging ex-  
hibit. Through the untiring and self-  
sacrificing efforts of Rev. Daniel T.  
Merritt, the pastor, and the hearty co-  
operation of the official Board the  
church has more than doubled its mem-  
bership during the present conference  
year. The spiritual condition of the  
charge was never better, there being  
a unity of purpose and feeling among  
all the members. The following officers  
of the church were elected for the new  
conference year:

Board of Stewards—J. F. McCullough,  
J. E. Whitehurst, J. Joliff, W. B. Aus-  
tin, L. L. Hodges, Joseph Kilgore and  
J. B. Austin.

Recording Steward—J. F. McCul-  
lough.  
District Steward—J. E. Whitehurst.  
Superintendent Sunday School—Jo-  
lah Joliff.

Mr. Merritt, the pastor, was presented  
with a purse of \$125 as an expression  
of the church's appreciation of his  
services. Seventy-five dollars of this  
amount was the gift of the Women's  
Home Mission Society, which has been  
so eminently successful in its work,  
and \$50 was the contribution of an out-  
side friend of the church and pastor.

The Official Board and the mem-  
bership of the church are unanimous for  
the return of Mr. Merritt as their  
pastor for the ensuing conference year.  
The social given at the residence of  
Mr. Bohn on Twenty-seventh street,  
Park Place, Thursday night, was a  
private affair and was not for the ben-  
efit of the Park Place Presbyterian  
Church, as was reported.

**Dr. Bull's**  
Cough  
Syrup  
The best remedy for  
Coughs, Colds, Grippe,  
Bronchitis, Hoarse-  
ness, Asthma, Whoop-  
ing-cough, Croup. Small doses; quick, sure results.  
Dr. Bull's Pills cure Constipation. Trial, 20 for 5c.

## DIVINE SERVICES SUNDAY.

### METHODIST EPISCOPAL.

Epworth, corner of Freemason and  
Boush street—Preaching by the pastor,  
Rev. W. J. Young, D. D., at 11 a. m.  
and 7:30 p. m. Morning subject: "The  
Seventh Word from the Cross." Even-  
ing, "What Ought We to Do With This  
Christ." Sunday school at 9:15 a. m.

Cumberland, between Holt and Cove  
streets—Preaching by the pastor, Rev.  
H. E. Johnson, at 11 a. m. and 7:30 p. m.  
Morning subject, "The Problem of  
Human Nature." Evening, "The Sec-  
ond Coming of Christ."

Huntersville, Johnson avenue.—  
Preaching by the pastor, Rev. Daniel T.  
Merritt, at 11 a. m. and 7:30 p. m. Morn-  
ing subject, "An Abomination Unto the  
Lord." Evening, "The Perfect Way  
and Tried Word of God." Sunday  
school at 9:30 a. m.

Centenary, corner of Boush and  
Queen streets—Preaching by the pastor,  
Rev. W. H. Edwards, at 11 a. m. and  
7:30 p. m. Sunday school at 9:15 a. m.

Queen, corner of Pulaski and Queen  
streets—Preaching by the pastor, Rev.  
Samuel C. Hatcher, at 11 a. m. and 8  
p. m.

McKendree, corner of Clay and Clal-  
borne avenues, Brambleton—Preaching  
by the pastor, Rev. R. H. Bennett, at 11  
a. m. and 7:30 p. m. The doors of the  
church will be opened for the reception  
of new members at both services.  
Sunday school at 9:30 a. m.

Trinity, corner of Maltby and Cor-  
porey avenues, Brambleton—Preaching  
by the pastor, Rev. Lloyd T. Williams,  
at 11 a. m. and 7:30 p. m. Sunday school  
9:30 a. m.

LeKies Memorial, corner of Camp  
avenue and Fort street, Atlantic City.—  
Preaching by the pastor, Rev. W. T.  
Williams, at 11 a. m. and 7:30 p. m.  
Sunday school at 9:30 a. m.

Lambert's Point, Bowden's Ferry  
road—Preaching by the pastor, Rev.  
George H. Spooner, at 11 a. m. and 7:30  
p. m. Sunday school 9:30 a. m.

McKendree Mission, East Bramble-  
ton—Sunday school 3 p. m. Preaching  
by Rev. R. H. Bennett at 4 p. m.

### PRESBYTERIAN.

First Church, between Holt and Cove  
streets—Preaching by the pastor, Rev.  
Edward Mack, D. D., at 11 a. m. and  
8 p. m. Sunday school at 9:30 a. m.  
Westminster League prayer meeting at  
6:45 p. m.

Second, Freemason, near Boush street  
—Preaching by Rev. Thos. R. English,  
D. D., of the Union Theological Sem-  
inary, Richmond, at 11 a. m. and 7:30  
p. m. Holy Communion at the close of  
the morning service. Sunday school at  
9:30 a. m.

Park Avenue, Brambleton—Preach-  
ing by the pastor, Rev. E. B. McCluer  
at 11 a. m. and 7:30 p. m. Sunday school  
at 9:30 a. m.

Colley Memorial, Atlantic City.—  
Preaching by the pastor, Rev. C. W.  
Maxwell, at 11 a. m. and 7:30 p. m.  
Sunday school 9:30 a. m.

Lambert's Point, Shenandoah avenue  
—Preaching by the pastor, Rev. C. D.  
Giberson, at 11 a. m. and 7:30 p. m.  
Sunday school at 9:30 a. m. Revival  
services at night.

Park Place—Preaching by the pastor,  
Rev. George W. Lawson, at 11 a. m.  
and 7:30 p. m. Sunday school 9:30 a. m.  
At night the pastor will begin a series  
of special sermons on the subject, "Is  
God Obligated to Look After Man's  
Salvation?"

### CHURCH OF CHRIST.

Freemason, between Bank and  
Brewer—Preaching by Chaplain C. Q.  
Wright, U. S. N., at 11 a. m. and 7:30  
p. m. At the close of the morning  
service the church will vote upon the  
action of the official board in extending  
a call to Rev. Ben Herr, of Lexington,  
Ky.

### LUTHERAN.

First Church, Charlotte, between  
Granby and Brower streets—Preaching  
by the pastor, Rev. J. E. Shenk, at 11  
a. m. and 7:30 p. m. Sunday school 10  
a. m.

### CHRISTIAN.

Memorial Temple, corner of Cooke  
and Tunstall avenues, Brambleton.—  
Preaching by the pastor, Rev. Dr. J. P.  
Barrett, at 11 a. m. and 7:30 p. m. Sun-  
day school 9:30 a. m.

### CHRIST SCIENTIST.

First Church (Public Library build-  
ing)—Services at 11 a. m. subject:  
"Soul and Body." Wednesday evening  
meeting at 8 o'clock.

### "The Second Coming of Christ."

By special request Rev. H. E. John-  
son, D. D., will preach at Cumberland  
Street M. E. Church Sunday night on  
"The Second Coming of Christ." The  
subject is one that has occupied the  
minds of many thoughtful people and  
it is highly probable that a large con-  
gregation will be present to hear the  
Doctor's treatment of the theme.

## THE H. P. MASON'S FLIGHT.

### ANOTHER VICTIM OF HURRICANE —WRECKED IN HARBOR.

The schooner Henry P. Mason, Cap-  
tain Otis, from Philadelphia to Galves-  
ton, with a cargo of coal, arrived in  
Hampton Roads yesterday in a crippled  
condition. She is a fine Bath, Me.,  
owned vessel, and was caught October  
23-31 off the Florida coast in the hur-  
ricane. The gale struck her on the  
evening of the 29th, and by 9 a. m.  
Monday had developed into a hurricane  
in which the vessel labored almost un-  
der bare poles. The port mizen rig-  
ging gave way and the mast broke short  
off and went overboard, the top-mast  
breaking from the mast and falling on  
deck, punching two holes in the deck  
and the boom crushed the after boat and  
wrecked the stern davits and poop. To  
add to their troubles the cargo shifted  
to starboard and the main rigging was  
so weakened that it had to be repaired  
at once to prevent losing that mast.  
The vessel fell off into the trough of  
thesea, and before she could be righted  
and put head to the seas she shipped  
a number of seas. Captain Otis got up  
a barrel of oil and hung oil bags over  
the bow, which eased her position, and  
settling head to the seas, she rode out  
the gale, and has been from that time  
ill yesterday making the Cape. She  
will probably be repaired here.

### WRECKED IN THE HARBOR.

Early yesterday, while the small  
schooner Joshua Barnes, Captain Ger-  
man, was delivering cargo alongside the  
British steamship Imani at Pinner's  
Point the S. A. L. tug Dorothea came  
along, with a large alongside and in  
some way her barge, probably caught  
by a tide-rip, swung heavily against  
another barge lying alongside the  
Imani, and this latter barge crashed  
into the schooner, damaging her very  
considerably, so much so that she was  
at once towed to Jones' railway for  
repairs.

The schooner C. C. Lister came off  
Graves' railway yesterday, fully repaired  
and cleaned.

### Russia's Power.

The recent peace conference brings the  
power of the Czar of Russia forcibly to  
mind. He holds the happiness, and even  
the life of millions of people in his grasp.  
To him they look for food, shelter, rel-  
ief, even life itself. In no country is a  
monarch's power more absolute than  
within the boundaries of the vast posses-  
sions of Russia. But far-reaching as its  
influence is it cannot be compared to that  
which the human stomach has over the  
morale, health and achievements of the  
average mortal, though even an insur-  
recting stomach acknowledges a con-  
queror. Hostetter's Stomach Bitters  
cures constipation, dyspepsia, biliousness,  
nervousness and all diseases arising from  
an inactive liver or weak kidneys. Try it  
if you have stomach trouble of any sort,  
and see for yourself. It will bring you  
back to health and happiness. It will  
make you strong by making your stom-  
ach strong. A private Revenue Stamp  
should cover the neck of the bottle.

### ATLANTIC CITY WARD.

The Junior Society of Christian En-  
deavor of Colley Memorial Church will  
meet at 4:30 p. m. and the senior so-  
ciety at 6:45 p. m. Sunday. Interest-  
ing programs have been arranged for  
both meetings.

The Junior Epworth League, of Le-  
Kies Memorial Church, will give the  
pastor, Rev. W. T. Williams, a farewell  
service Sunday afternoon at 3 o'clock.  
The service promises to be a most im-  
pressive one.

Great interest continues to be mani-  
fested in the revival meetings at Cen-  
tral Avenue Baptist Church. The num-  
ber of penitents have increased nightly  
since the beginning of the meetings,  
and there have been about twelve pro-  
fessions. Rev. L. R. Christie, who has  
been assisting the pastor, Rev. E. E.  
Dudley, has preached with great ac-  
ceptability.

Rev. John E. Wales will conduct the  
Episcopal services at the W. C. T. U.  
hall on Colley avenue Sunday night  
at 7:45 o'clock.

Rev. W. T. Williams will close his  
work as pastor of LeKies Memorial  
Church, preaching his last sermon Sun-  
day night. He will leave for confer-  
ence Tuesday afternoon.

### Deep Creek Items.

Mrs. James Casteen and daughter  
spent Wednesday with her married  
daughter at Benefit.

Mr. Jerry Deal is said to be im-  
proving.

There will be a grand entertainment  
January 4, 1900, at Deep Creek Hall.

Mr. Thomas Casteen, who has been  
spending a few days at Newport News  
and Pinner's Point, returned home  
Wednesday.

Miss Janie Moore and Lyn Smoley  
were out driving last evening.

Miss Lillian Casteen was in the city  
Tuesday.

# BEECHAM'S PILLS

FOR ALL  
BILIOUS AND NERVOUS DISORDERS;

SICK HEADACHE, and IMPAIRED DIGESTION,  
CONSTIPATION, Kindred DISORDERED LIVER and  
WEAK STOMACH, Diseases FEMALE AILMENTS.

Sold everywhere, in boxes, at 10 cents and 25 cents each. Annual sale over 5,000,000 boxes.


# PISO'S CURE

Sold by Druggists everywhere.

I began using Piso's Cure 13  
years ago, and believe it saved  
me from consumption. My child  
is subject to Croup. Piso's Cure  
always relieves him.—Mrs. B.  
CRANDELL, Mannsville, Ky.,  
July 9th, 1899.

*The Saks Store*  
234-236 MAIN STREET.

**Notice: The Price Stays \$12.50.**



We are paying considerable more per yard  
for Armor Strength Cheviot this season than  
a year ago. But it shall have no influence  
upon the retail price. That will remain \$12.50  
MORE CERTAINLY THAN EVER  
NOW THE BEST SUIT IN AMERICA FOR  
THE MONEY.

Knowing of the increased cost, we want  
to assure you that neither the standard of the  
goods nor the standard of the making will be  
lowered.

Goods made for us—Suits made by us.

Single and Double-breasted Sacks, with Single or Double-breast-  
ed Vests, and Cutaway Frocks. Blue or Black—and guaranteed in  
every point and every way—to be all wool, fast color, perfect fitting,  
tailor-made.

**Saks & Company.**

**ABOUT OVERCOATS**

For the first time in some years the popularity of  
smooth faced Overcoats is disputed by garments made  
from rough faced fabrics. We should not say "rough"  
fabrics either, because the coats we have in mind are  
made from thick soft cloths, with what appears to be a  
rough exterior, but when you touch them with your  
hand they prove as soft as the fur of a kitten. The  
shape is most graceful; fits well about the neck, square  
about the shoulders, from which it hangs full. The  
Rogers, Peet & Co., wholesale tailors, produce these  
overcoats in these fabrics so excellent that it is a wil-  
ful waste of cash to pay your tailor twice the money  
to make one no better.

**\$10 TO \$45.**

**Ferebee, Jones & Co**  
Agents for KNOX HATS.

**BUY AND REJOICE.**

Our large Double Stores are filled with Bargains in Furniture, Carpets, Stoves,  
&c., &c. Every energy is concentrated upon the single purpose of maintaining our  
reputation of giving "THE BEST VALUE FOR THE LEAST MONEY." Look  
around in your home, then look around here, and you will find ways to brighten up  
that home wonderfully for very little money.

**PARLOR PIECES.**



Odd Parlor Pieces that are all heart  
could wish for. Mahogany Frames, up-  
holstered with Silk Damask, stuffed with  
real moss, their best virtue is their extreme-  
ly low price. Full 5 and 6 Piece Parlor  
Suits that are the greatest value for the  
money ever shown in Norfolk.

**Chamber Suits.**

The largest and most complete line of  
Chamber Suits. All the latest shapes,  
woods, etc.

**SIDEBOARDS.**

Substantially made, solid quartered oak, highly polished and handsomely carved.  
Call and get our prices.

**Furniture of all Descriptions.**  
**CASH OR CREDIT!**  
**John. B. Loughran,**  
319 and 321 CHURCH STREET.

**Gas Radiators \$2.75 up**  
**Gas Heaters \$1.25 up**  
THE BEST MAKES.  
Setting Free of Charge.  
**CITY GAS CO.**

**MOTT'S PENNYROYAL PILLS**



They overcome Weak-  
ness, irregularity and  
excursions, increase vigor  
and banish "pains  
of menstruation." They are "LIFE SAVERS" to girls at  
womanhood, aiding development of organs and body. No  
known remedy for women equals them. Cannot do harm—life  
becomes a pleasure. \$1.00 PER BOX BY MAIL. Sold  
by druggists. DR. MOTT'S CHEMICAL CO., Cleveland, Ohio.

Sold by BURROW MARTIN & CO.